

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**CITY OF BILOXI, MISSISSIPPI**

**PLAINTIFF**

V.

**CASE NO.: 1:19-cv-363-KS-RHW**

**FEDERAL EMERGENCY  
MANAGEMENT AGENCY and  
PETER T. GAYNOR, in his official capacity.**

**DEFENDANTS**

**JOINT MOTION OF THE PARTIES FOR  
DISMISSAL WITHOUT PREJUDICE**

The parties hereby jointly move this Court to dismiss this case without prejudice pursuant to Federal Rule of Civil Procedure 41. In support of this Joint Motion, the parties state as follows:

I. Following the reversal of FEMA's deobligation of \$8.8 million dollars, the City of Biloxi ("City") amended its Complaint [ECF NO. # 12], seeking approval of payment of cost items within the remaining allocated balance for the City's Biloxi Post-Katrina Infrastructure Repair Program, through the anticipated completion date of December 31, 2024.

II. The parties acknowledge all "feeder" projects [ PW 10977; 10998; 10999; 11000; 11001; 11015; 11016; 11017; 11018; 11019; 11020; 11021; 11022; 11023; 11043; 7112; and 11235] have been collapsed into PW 11253, the "master" improved project worksheet [IPW11253].

III. As the feeder projects have already been collapsed into one PW, the City's claims in this lawsuit are premature and the City agrees to dismiss this matter without prejudice.

IV. All parties reserve all rights, claims, and defenses. Each side will bear their own costs.

RESPECTFULLY SUBMITTED, this the 28<sup>th</sup> day of July, 2020.

**CITY OF BILOXI, MISSISSIPPI**

BY: /s/Peter C. Abide  
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**FEDERAL EMERGENCY  
MANAGEMENT AGENCY and  
PETER T. GAYNOR, in his official  
capacity**

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